REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 19, 2007. At the time of the Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected. Claims 18 and 19 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,593,849 issued to Erik Christopher Chubb et al. ("Chubb"). Applicants respectfully traverse and submit Chubb does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The Examiner stated that *Chubb* allegedly discloses all the limitations of the present independent claims with the exception that *Chubb* does not directly state one of the three rotation rates of the rotation movement or of a component of a rotation movement around a coordinate axis of the wheel vehicle is a pitch acceleration rate. Applicants respectfully disagree with this analysis. According to the independent claims, the measuring device is

operable to determine three rotation rates or comprises three rotation rate sensor. None of the present independent claims includes the limitation of a pitch acceleration rate.

The specification of the present application states:

> *For this purpose especially the arrangement can have a device for determining an orientation which has been embodied in such a way that it is possible to determine, from the three rotation rates, an orientation of the wheel vehicle in a vehicle-external coordinate system.*

Substitute Specification, page 7, paragraph [0018]. Thus, as stated for example in Claim 18, the arrangement comprises at least two acceleration sensors and three rotation rate sensors. Contrary to the acceleration sensors, the rotation rate sensors generate an output value that is representative to a current rate of rotation whereas the acceleration sensors output an acceleration value.

The Examiner further stated that "*it would have been obvious to one of ordinary skill in the art to realize the pitch acceleration rate is one of a substantially behavior characteristic represent in the rotation movement or component of a rotation movement as known in the physic to incorporate with other behaviors characteristic to determine the dynamic axle loads or the wheel loads more accurate as disclosed in the Chubb at al.*" Office action, page 3, lines 1-6.

Applicants respectfully disagree. As correctly stated by the Examiner, *Chubb* discloses to determine the pitch acceleration. *Chubb* does further not discloses in any detail what to do with the measurement of the pitch acceleration. Form the description of *Chubb* it is not even clear what is meant by pitch, roll and yaw. According to Figs. 2A-F only pitch and roll are depicted. Nevertheless, *Chubb* clearly distinguishes between acceleration values and rotation rate values. See, *Chubb* , for example, col. 3, lines 5-18. *Chubb* does not discloses to use three rotation rate sensors for measuring of a rotation movement or of a component of a rotation movement around a coordinate axis of the vehicle, wherein said three coordinate axes extend transversally with respect to each other.

Moreover, with respect to amended independent Claim 18, *Chubb* is completely silent with respect to the placement of the sensors. In fact, *Chubb* discloses to actually decentralize the placement of the sensors. See, *Chubb* col. 3, lines 13-18. Thus, *Chubb* does furthermore

not discloses the placement of the sensor arrangement in the center of the vehicle. This additional limitation in Claim 18 is disclosed in the substitute specification on page 11, paragraph [0027].

Hence, Applicants believe that all independent Claims are patentable in view of *Chubb*. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.
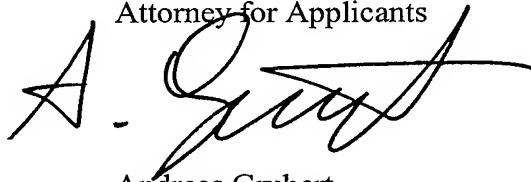
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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